

AI Federal Policy Tracker - US

Last updated November 3, 2023

Dates	Goal: What is it supposed to do? Why does it matter or change status quo?	Application: Who/what does it apply to?	Enforcement	Timing or Next Steps	Outcome/Purpose: Legal status of what comes next	Links
United States						
EXECUTIVE BRANCH ACTION						
Executive Order on the Safe, Secure, and Trustworthy Development and Use of AI	October 2023	Builds on agency and White House initiatives to lay out principles for AI development, safety and security requirements, and research and innovation, and launch agency processes	Directs 12+ agencies to create standards and rules for AI development, use, and oversight; Reporting requirements under Defense Production Act for most powerful models that pose national security or public safety risks	Many provisions non-binding, will depend on agencies tasked with implementation and their rule-making ability	Kicks off agency processes with timelines from 90-240 days	Enforceability varies by agency; EO calls for complementary Congressional action, notably on data privacy https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/30/fact-sheet-president-biden-issues-executive-order-on-safe-secure-and-trustworthy-artificial-intelligence/
Executive Office of the President Convened and Secured Voluntary Commitments from Leading AI Companies	July 2023 & September 2023	8 high-level voluntary commitments around safety, security, and trustworthiness of AI systems, including red-teaming, information-sharing, and watermarking	7 initial signatories: Google, Amazon, Microsoft, Meta, OpenAI, Anthropic, Inflection. 8 signatories in September 2023: Adobe, IBM, Nvidia, Palantir, Stability, Salesforce, Scale AI, Cohere	Potential enforcement by Federal Trade Commission if made more quantifiable. Breaking from a public commitment can be a deceptive practice under consumer protection law	No specific deadlines or reporting requirements. The Administration is preparing an Executive Order on AI, timeline unknown.	Voluntary commitments will remain in place until binding legislation comes into force. https://www.whitehouse.gov/wp-content/uploads/2023/07/Ensuring-Safe-Secure-and-Trustworthy-AI.pdf https://www.whitehouse.gov/briefing-room/statements-releases/2023/07/21/fact-sheet-biden-harris-administration-secures-voluntary-commitments-from-leading-artificial-intelligence-companies-to-manage-the-risks-posed-by-ai/
Executive Office of the President - Office of Management and Budget Draft Guidance for Federal Use of AI Systems	September 2023	Establish policies for development, procurement and use of AI systems to protect rights and safety	Federal agency development, procurement, and use of AI	Draft guidelines are non-binding; Final guidelines govern agency actions	Draft guidelines released September 2023 for public comment to inform final guidelines, release date unknown	Final guidance will serve as template for state and local governments https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/04/fact-sheet-biden-harris-administration-announces-new-actions-to-promote-responsible-ai-innovation-that-protects-americans-rights-and-safety/
Executive Office of the President - Office of Science and Technology Policy Request for Information on National Priorities for Artificial Intelligence	May-July 2023	Soliciting ideas to inform national strategy on AI, specifically on protecting civil rights and national security, bolstering civic participation, promoting economic growth, and innovating public services	All AI use cases	NA	Request for information closed in July, 2023. Comments will be published online	Responses will help inform development of a National AI Strategy https://www.whitehouse.gov/wp-content/uploads/2023/05/OSTP-Request-for-Information-National-Priorities-for-Artificial-Intelligence.pdf
Executive Office of the President - Office of Science and Technology Policy Blueprint for an AI Bill of Rights	October 2022	Presents high-level principles for AI development, use, and deployment and to influence eventual AI regulation to ensure protection of civil rights and democratic values	Federal and industry development and use of AI; Contains exemption for law enforcement	Non-regulatory, voluntary, and non-binding	None - completed	The Blueprint provides guidance and recommendations to orient future legislative and agency action https://www.whitehouse.gov/ostp/ai-bill-of-rights/
Executive Order 14091 Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government	February 2023	Directs federal agencies to address civil rights risks in emerging tech, including algorithmic discrimination	Federal government development and use of AI systems	Legally binding for agencies	Too early to measure impact	Remains in force; Too early to measure impact or outcomes https://www.federalregister.gov/documents/2023/02/22/2023-03779/further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal
Executive Order 13960 Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government	December 2020	Lays out principles for agency development and use of AI; Requests that agencies provide an inventory of all non-classified uses of AI systems	Federal agency use of AI	Legally binding for agencies, but compliance has been low with most agencies failing to submit inventories	Agencies must submit annual inventory of AI uses	Remains in force; Some agency requirements remain unmet https://www.federalregister.gov/documents/2020/12/08/2020-27065/promoting-the-use-of-trustworthy-artificial-intelligence-in-the-federal-government https://law.stanford.edu/2023/05/25/opportunities-and-risks-of-artificial-intelligence-in-the-public-sector/#slpav-i-the-importance-of-public-sector-ai
Executive Order 13859 Maintaining American Leadership in Artificial Intelligence	February 2020	The first executive order on AI, it directs the OMB to create guidance for regulation of AI by agencies and requires agency action plans consistent with OMB guidance	Federal agency use of AI	Biden administration did not repeal but has not enforced; Compliance has been low	The resulting OMB Memo laid out a methodology for agencies	Remains in force; Subsequent OMB guidance lists agency requirements https://www.federalregister.gov/documents/2019/02/14/2019-02544/maintaining-american-leadership-in-artificial-intelligence
Executive Office of the President - Office of Management and Budget Guidance for the Regulation of AI Systems	December 2020	Response to Executive Order on Maintaining American Leadership in AI (above)	Federal agency use of AI	Recommends voluntary measures from agencies	Requests agencies report AI use cases to OMB and publish AI Plans	Recommends non-binding approach and potentially "narrowly tailored" rules https://www.whitehouse.gov/wp-content/uploads/2020/11/M-21-06.pdf
Agency Responses: 5 of 41 major agencies provided Action Plans in response to Executive Orders and Office of Management and Budget guidance listed above. The Department of Energy's submission read "none" although they have pursued other AI initiatives (see below). The Environmental Protection Agency's response identified some use cases and eventual work on principles but no major initiative has emerged. The three agencies below have developed more extensive responses:						For full accounting of agency response to AI in Government Act and Eos see: https://dho.stanford.edu/wp-content/uploads/2023/01/Implementation.pdf
Department of Health and Human Services AI Strategy and Trustworthy AI Playbook	January 2021 (Strategy) and September 2021 (Playbook)	Response to Executive Orders. Creates an agency-wide AI strategy. Represents the most extensive agency response	Development or use of AI systems within HHS	Guides AI deployment to comply with existing laws	AI Strategy was followed by publication of a Trustworthy AI Playbook and Inventory of AI Use Cases	The Trustworthy AI Playbook guides compliance with federal mandates on AI https://www.hhs.gov/sites/default/files/hhs-trustworthy-ai-playbook.pdf
Veterans Affairs National Artificial Intelligence Institute and AI Strategy	December 2019 (Institute) and October 2021 (Strategy)	Response to Executive Orders. Coordinates AI research and policy at the Veterans Affairs; Developed VA AI	Development or use of AI systems by the Veterans Affairs	Existing regulation (eg Health Insurance Portability and Accountability Act) for identified use cases	Research and pilot projects	Institute and strategy guide VA AI use and compliance with existing regulation https://www.research.va.gov/naai/default.cfm https://www.research.va.gov/naai/VA_AI%20Strategy_V2-508.pdf
United States Agency for International Development AI Action Plan	May 2022	Response to Executive Orders. Recommendations to guide a global approach to AI	AI used in development; digital infrastructure; global partnerships	Non-binding recommendations	No identification of AI uses or forthcoming regulatory action	The action plan calls for a formal commitment to principles from United States Agency for International Development https://www.usaid.gov/sites/default/files/2022-05/USAID_Artificial_Intelligence_Action_Plan.pdf

DEPARTMENT OF DEFENSE ACTIONS							
National Security Agency AI Security Center	September 2023	Oversee AI development and integration in national security systems	AI in national security and defense industry	NA	Operate under Cybersecurity Collaboration Center; Coordinate with private sector, academia, international partners, DOD	Develop principles, methodology, and risk frameworks for AI security and deployment	https://www.defense.gov/News/News-Stories/Article/Article/3541838/ai-security-center-to-open-at-national-security-agency/
Defense Innovation Unit Responsible AI Guidelines	November 2021	First set of AI guidelines for DOD procurement; Creates a framework for alignment of AI system with DOD AI ethics principles	Third-party developers of military AI systems	DIU requires use by third-party developers	Application to DOD AI development and procurement	Requirements in vendor contracts; Guidelines can be adapted by other agencies	https://www.diu.mil/responsible-ai-guidelines
Department of Defense Responsible AI Principles and Strategy and Implementation Pathway	February 2020 (Principles) and June 2022 (Strategy and Pathway)	Updates the existing military ethics framework with 5 principles for AI-specific risks and ethics; Strategy identifies 6 core tenets with goals	AI used by DOD in combat and non-combat functions	An Office of Primary Responsibility manages implementation deadlines for each tenet	The DOD Joint Artificial Intelligence Center coordinates implementation	DOD governance structure and oversight of AI development and procurement build on this framework	https://www.ai.mil/docs/RAI_Strategy_and_Implementation_Pathway_6-21-22.pdf https://www.ai.mil/docs/RAI_Strategy_and_Implementation_Pathway_6-21-22.pdf
DEPARTMENT OF COMMERCE ACTIONS							
National Institute of Standards and Technology AI Safety Institute	November 2023	Operationalize the AI Risk Management Framework	Technical guidance issued by AISI will apply to risk-mitigating rulemaking and enforcement such as watermarking and red-teaming	Guide agency enforcement across different domains as laid out in RMF	Launched November 2023; Foster international information-sharing and collaboration, including with partner government orgs, civil society, academia, industry worldwide	Output will guide agency rulemaking and enforcement	https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/01/fact-sheet-vice-president-harris-announces-new-u-s-initiatives-to-advance-the-safe-and-responsible-use-of-artificial-intelligence/
National Institute of Standards and Technology AI Risk Management Framework	January 2023	Aims to minimize potential negative impacts of AI systems - such as to civil liberties/rights - and maximizing positive impacts	Organizations of all types and size; Not sector-specific; Use-case agnostic	Voluntary and non-binding	Updated semi-annually to incorporate comments and with a formal review in 2028	Provides tools that could be included in future binding legislation	https://csrc.nist.gov/projects/risk-management/about-rmf
National Artificial Intelligence Advisory Committee Year 1 Report	Launched May 2022; Year 1 report released May, 2023	26 experts convened to advise the President and OSTP's National AI Initiative Office. Chartered and directed by NIST.	All areas potentially impacted by AI: social, legal, economic, competition, innovation, international, subject to change in year 2; A sub-committee studies AI and law enforcement	Advisory body issues non-binding recommendations	First report issued in June 2023 with 14 objectives and recommended actions	Experts appointed in 2022 for 3-year term; Report submitted after first year then required every 3 years	https://www.ai.gov/wp-content/uploads/2023/05/NAIAC-Report-Year1.pdf
National Telecommunications and Information Administration (NTIA) Accountability Policy Request for Comment	April-June 2023	Soliciting ideas on regulatory and self-regulatory policies including audits, assessments, certifications.	All AI use cases - a potential move away from sector-specific approach	NA	NTIA will issue a report with recommendations in fall 2023	Recommendations will guide legislative efforts	https://www.federalregister.gov/documents/2023/04/13/2023-07776/ai-accountability-policy-request-for-comment https://www.ntia.doc.gov/press-release/2023/ntia-receives-more-1400-comments-ai-accountability-policy
OTHER AGENCIES' ACTIONS							
Department of State Declaration on Responsible Military Use of AI and Autonomy	February and November 2023	Establishes norms for global consensus and cooperation on military AI in compliance with international law	AI development, deployment, and use cases in military context	Declaration is not legally binding for signatories, who commit to process; Norms align with existing international law	32 signatories as of November 2023; Signatories will convene in Q1 2024 for regular dialogue process	US will convene regular dialogue for signatories to exchange best practices and ideas; Norms include compliance with international law and legal review	https://www.state.gov/political-declaration-on-responsible-military-use-of-artificial-intelligence-and-autonomy/
Department of Homeland Security Chief AI Officer and Directives	September 2023	Directives to guide AI acquisition and facial recognition applications; Chief AI Officer to govern agency AI adoption	DHS AI procurement and use of facial recognition	Principles in conformity with EO 13960 and evaluation in accordance with national standards	Chief AI officer to promote safe AI deployment and oversight, implementation of directives	Directives ensure policy aligns with EOs and civil rights laws	https://www.dhs.gov/news/2023/09/14/dhs-announces-new-policies-and-measures-promoting-responsible-use-artificial-intelligence
Department of Education Report on Artificial Intelligence and the Future of Teaching and Learning	May 2023	Evaluate baseline principles, risks, and opportunities for AI in education	AI in K-12 education	Non-binding recommendations	Office of Education Technology developing policies and further guidance on AI-enabled education technology	No official legal status. Recommendations can guide AI rulemaking.	https://www2.ed.gov/documents/ai-report/ai-report.pdf https://tech.ed.gov/ai/
Department of Energy AI Risk Management Playbook	August 2022	Provide use cases to advise on using AI by releasing an interactive reference guide to complement the NIST Framework and implement Executive Orders (above)	AI use and development in the Department of Energy	Non-binding	Will be updated and rereleased periodically	No official legal status	https://www.energy.gov/ai/doe-ai-risk-management-playbook-airmp
Equal Employment Opportunity Commission AI and Algorithmic Fairness Initiative	October 2021	Provide guidance and assistance to ensure AI systems used by employers, employees, applicants, and vendors conform with existing laws	AI use in employment	Investigation and enforcement of existing employment regulation and discrimination law	NA	Agencies can create new rules based on existing authority/legislation	https://www.eeoc.gov/ai
Food and Drug Administration Artificial Intelligence and Machine Learning Based Software as a Medical Device Action Plan	September 2021	Regulates certain AI deployment under existing medical device rules; adds a "predetermined change control plan" in premarket submissions for AI/ML software changes	AI-powered clinical decision support tools	Existing medical device regulation; envisions "Algorithm Change Protocol" for enforcement of new premarket process	Continued updating of AI/ML software regulated as a medical device	The action plan for AI/ML as a medical device guides further development of regulatory framework	https://www.fda.gov/medical-devices/software-medical-device-samd/artificial-intelligence-and-machine-learning-software-medical-device
Government Accountability Office Accountability Framework	June 2021	Provides examples of practices to follow around data, governance, monitoring, and performance of AI systems	Federal agencies, entities considering implementation of AI systems, potential auditors or third-party assessors	Non-binding framework and guidance	GAO will conduct review of potential harms from generative AI tools following request from Senators Peters and Markey (July 2023)	Framework can guide AI rulemaking	https://www.gao.gov/assets/gao-21-519sp.pdf
Federal Trade Commission Warnings and Enforcement	-	Increasing scrutiny on businesses using AI, warning against unfair or misleading practices	Consumer Protection	Section 5 of Federal Trade Commission Act; Fair Credit Reporting Act; Equal Credit Opportunity Act	Ongoing enforcement	Increased enforcement of existing consumer protection laws, reminding that there is no AI exception to existing laws	https://www.nytimes.com/2023/05/03/opinion/ai-lina-khan-ftc-technology.html
Consumer Financial Protection Bureau Monitoring and Enforcement	-	Tightening rules around algorithmic systems used by creditors and for lending	AI-based consumer lending	Existing mandate and legislation	Issuing further requirements, especially around explainability of AI systems	Increased enforcement across and with other federal agencies of existing regulation	https://www.consumerfinance.gov/about-us/newsroom/cfbp-acts-to-protect-the-public-from-black-box-credit-models-using-complex-algorithms/ https://www.consumerfinance.gov/about-us/newsroom/cfbp-federal-partners-confirm-automated-systems-advanced-technology-not-an-excuse-for-lawbreaking-behavior/

LEGISLATION PASSED							
Advancing American AI Act	Enacted December 23, 2022 as part of National Defense	Mandates specific steps for agencies and Office of Management and Budget to protect privacy and civil rights in AI	Federal agency use of AI	Published AI use case inventories; compliance has been inconsistent	New Office of Management and Budget guidance on AI	Remains in force; Codifies requirements for agencies similar to Executive Order 13960	https://www.congress.gov/bill/117th-congress/senate-bill/1353 https://www.ai.gov/ai-use-case-inventories/
National AI Initiative Act	Enacted January 1, 2021 as part of National Defense Authorization	Mandates coordinated program across federal government on AI research and development	Directs funding to certain federal agencies; Mandates development of Risk Management Framework by the	NAIO coordinates between 21 federal departments and agencies. NAIO and NAIAC are responsible for advising the	Directs 6.5 billion to the Department of Energy, Department of Commerce, National Science Foundation, and	Remains in force; NIST Risk Management Framework was released	https://www.congress.gov/bill/116th-congress/house-bill/6216 https://www.ai.gov/
AI in Government Act	Enacted December 2020 as part of 2021 Consolidated	Requires the Office of Management and Budget to provide a memo to federal agencies on AI use and acquisition.	Federal agency use of AI	Implementation of requirements is incomplete	GSA Center of Excellence established; Other requirements unmet or behind schedule.	Remains in force; Sen. Portman sent a letter to OMB requesting an update on its implementation	https://www.congress.gov/bill/116th-congress/house-bill/2575 https://coe.gsa.gov/coe/artificial-intelligence.html
LEGISLATION INTRODUCED							
Several bills have been introduced that would regulate AI use cases, including at the state level. Major initiatives with bipartisan or bicameral support include but are not limited to:							
US Senate AI Leadership To Enable Accountable Deployment (LEAD) Act	July 2023	Set rules for federal government training, transparency and procurement of AI systems	Federal government development and use of AI systems	Binding procurement guidelines for agencies	Markup in Committee July 2023	Government procurement rules can shape overall industry development	https://www.congress.gov/bill/118th-congress/senate-bill/2293?s=1&r=2
US Senate Proposal for Security Accountability Foundations Explainability (SAFE) Innovation Framework	June 2023	Framework released by Senator Schumer for AI legislation based on 4 pillars; solicit proposals on AI regulation broadly by convening experts and members of Congress	Unknown	Unknown	3 AI-focused hearings for Senators in summer 2023; 9 "Insight Forums" in fall/winter 2023-24; bipartisan group of Senators crafting legislation	Draft AI legislation forthcoming but no timeline	https://www.democratsenate.gov/news/press-releases/majority-leader-schumer-delivers-remarks-to-launch-safe-innovation-framework-for-artificial-intelligence-at-csis
US House National AI Commission Act	June 2023	Creates a 20-person commission to review current federal government AI oversight, recommend new governmental structures to regulate AI, and create a risk-based approach to mitigating harms	Federal agency use of AI	Congress would have jurisdiction over enforcement of the act	Introduced (Representatives Lieu, Buck, Eshoo and Senator Schatz); Will be referred to Committee	If passed, the Commission will submit three reports to Congress over the next two years	https://files.constantcontact.com/60ec52f38016ce5dea5-798e-44a5-9997-91e2402d785a.pdf
US Senate Proposal for a Federal Digital Platform Commission	May 2023	Updates a previous proposal from Senators Bennet and Welch for a digital regulatory agency with AI-specific requirements	Platforms and companies that offer "content primarily generated by algorithmic processes"; Extra requirements for "systemically important" platforms	Commission would have jurisdiction over the use of personal data to generate content or to make a decision	Referred to the Committee on Commerce, Science, and Transportation, needs to pass the committee to advance.	If passed, will create the Commission and authorize Congress to appropriate funds	https://www.congress.gov/bill/118th-congress/senate-bill/1671?s=1&r=6